

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMANDA BARRIX,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:10-cv-00809

FIRST PREMIER BANK CARD,

Defendant.

REPORT AND RECOMMENDATION

This is a consumer credit action originally filed in 64-A District Court and removed to this Court on August 13, 2010 on the basis of 28 U.S.C. § 1331. The Plaintiff, who is proceeding pro se, failed to appear for a settlement conference on November 21, 2011 (Dkt. 35). Plaintiff also failed to appear on December 8, 2011 to show cause why her case should not be dismissed for failure to prosecute (Dkt. 38). The docket reflects that Plaintiff was sent a copy of both notices of hearing via U.S. Mail and that neither notice was returned to the Court as undeliverable.

Previously, Plaintiff failed to appear for a November 3, 2010 scheduling conference (Dkt. 12), though she did appear on November 23, 2010 to show cause (Dkt. 14).

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: December 8, 2011

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).